

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA)	CRIMINAL NO. 03-10383-RGS
v.)	VIOLATIONS:
1. JULIO FRANCO, a/k/a "Ramon Mercedes-Ortiz,")	- 21 U.S.C. § 846 - Conspiracy to Distribute, And to Possess with Intent To Distribute, Cocaine
2. DOMINGO VEGA, a/k/a "Mingo," and)	
3. JOSE RAFAEL SANTIAGO, a/k/a "Raffi,")	- 21 U.S.C. § 846 Attempted Possession with Intent To Distribute Cocaine
Defendants.)	
)	- 18 U.S.C. § 2 Aiding and Abetting
)	- 21 U.S.C. § 853 Criminal Forfeiture

INDICTMENT

COUNT ONE: (21 U.S.C. § 846 - Conspiracy to Distribute,
and to Possess with Intent to Distribute,
Cocaine).

The Grand Jury charges that:

Beginning on an unknown date but at least by in or about September 2003 and continuing to on or about November 9, 2003, at Lynn, Boston, Worcester and elsewhere in the District of Massachusetts, in Providence in the District of Rhode Island, and elsewhere,

1. JULIO FRANCO, a/k/a "Ramon Mercedes-Ortiz,"
2. DOMINGO VEGA, a/k/a "Mingo," and
3. JOSE RAFAEL SANTIAGO, a/k/a "Raffi,"

defendants herein, did knowingly and intentionally combine,

conspire, confederate, and agree with each other, and with other persons known and unknown to the Grand Jury, to distribute, and to possess with intent to distribute, cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

The conspiracy charged herein involved five kilograms or more of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Sections 846 and 841(b)(1)(A)(ii).

COUNT TWO: (21 U.S.C. § 846 - Attempted Possession with Intent to Distribute Cocaine).

The Grand Jury further charges that:

Beginning on an unknown date but at least by on or about November 7, 2003 and continuing to on or about November 9, 2003, at Lynn, Boston, Worcester and elsewhere in the District of Massachusetts, in Providence in the District of Rhode Island, and elsewhere,

1. JULIO FRANCO, a/k/a "Ramon Mercedes-Ortiz,"
2. DOMINGO VEGA, a/k/a "Mingo," and
3. JOSE RAFAEL SANTIAGO, a/k/a "Raffi,"

defendants herein, did knowingly and intentionally attempt to possess with intent to distribute cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

The offense charged herein involved five kilograms or more of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Sections 846 and 841(b)(1)(A)(ii) and 18 U.S.C. § 2.

FORFEITURE ALLEGATION

The Grand Jury further charges that:

1. As a result of the offenses alleged in Counts One and Two of this Indictment,

1. JULIO FRANCO, a/k/a "Ramon Mercedes-Ortiz",
2. DOMINGO VEGA, a/k/a "Mingo," and
3. JOSE RAFAEL SANTIAGO, a/k/a "Raffi,"

defendants herein, shall forfeit to the United States any and all property constituting, or derived from, any proceeds the defendant obtained, directly or indirectly, as a result of the offenses, and any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such offenses. Such property includes, but is not limited to:

- (a) \$529,631.00 in United States currency seized from the 1996 Volkswagen Jetta on November 9, 2003, in that such sum represents drug proceeds, and further represents monies the Defendants intended to use to purchase cocaine; and
- (b) \$183,939.00 in United States currency seized from 11 Kings Hill Drive in Lynn, MA on November 10, 2003, in that such sum represents drug proceeds, and further represents monies the Defendants intended to use to purchase cocaine; and
- (c) the 1996 Volkswagen Jetta, Massachusetts VIN 3VWWA81H5TM119770, in which \$529,631.00 in drug proceeds were seized on November 9, 2003.

2. If any of the properties described in paragraph 1, above, as a result of any act or omission of the Defendants --

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;

- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be subdivided without difficulty;

it is the intention of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the property described in paragraph 1.

All in violation of Title 21, United States Code, Section 853.

A TRUE BILL

WG Weisbar
Foreperson of the Grand Jury

Ken W. Bulk
Assistant United States Attorney

DISTRICT OF MASSACHUSETTS: December 17, 2003, at 12:21 PM
Returned into the District Court by the Grand Jurors and filed.

Bx Brown
Deputy Clerk